

REFERENCE TITLE: state parks; solar hot water

State of Arizona
House of Representatives
Forty-ninth Legislature
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2009

HB 2403

Introduced by
Representatives Young Wright, Ableser, Farley, Patterson: Campbell CL,
Fleming, Schapira, Waters, Senators Aboud, Hale

AN ACT

AMENDING SECTION 41-511.05, ARIZONA REVISED STATUTES; RELATING TO THE STATE PARKS BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-511.05, Arizona Revised Statutes, is amended to
3 read:

4 **41-511.05. Powers: compensation**

5 The board ~~may~~, subject to legislative budgetary control within the
6 limitations of this article, **MAY**:

7 1. Employ, determine conditions of employment and specify the duties
8 of such administrative, secretarial and clerical workers and technical
9 employees such as naturalists, archaeologists, landscape architects, rangers,
10 park supervisors, caretakers, guides, skilled tradesmen, laborers, historians
11 and engineers, and contract to have the services of such advisors or
12 consultants as are reasonably necessary or desirable to enable it to perform
13 adequately its duties. The compensation of the director and of all workers
14 and employees shall be as determined pursuant to section 38-611.

15 2. Make such contracts, leases and agreements and incur such
16 obligations as are reasonably necessary or desirable within the general scope
17 of its activities and operations to enable it to perform adequately its
18 duties.

19 3. Acquire through purchase, lease, agreement, donation, grant,
20 bequest or otherwise real and personal property and acquire real property
21 through eminent domain for state park or monument purposes. No property may
22 be acquired in the manner provided in this paragraph which will require an
23 expenditure in excess of funds budgeted or received for such purposes. No
24 state park or monument, or additions to a state park or monument, shall be
25 created containing in excess of one hundred sixty acres of land unless
26 created by an act of the legislature. This acreage limitation shall not
27 apply in the case of lands given or donated for state park or monument
28 purposes nor to state owned lands that are selected by the board and that are
29 not subject to outstanding leases, permits or other rights for the use of the
30 lands including preferential rights to renew such leases and permits.

31 4. Sell, lease, exchange or otherwise dispose of real and personal
32 property. Any disposition of real property shall be submitted for approval
33 of the joint committee on capital review. The disposition of office
34 equipment, furnishings, vehicles and other materials is subject to chapter
35 23, article 8 of this title. The disposition of artifacts and other property
36 of scientific, archaeological, historical or sociological interest is exempt
37 from chapter 23, article 8 of this title, but the board shall consult with
38 the Arizona historical society in disposing of property of historical
39 interest.

40 5. Construct at state parks and monuments necessary sanitary and other
41 facilities including picnic tables, fireplaces, campsites, service buildings
42 and maintenance shops, and contract with private persons for the construction
43 and operation of cabins, hotels and restaurants, and like establishments. **AS**
PART OF THE SANITARY FACILITIES, THE BOARD SHALL INSTALL SOLAR HOT WATER
DEVICES AT THOSE STATE PARKS THAT HAVE SHOWER FACILITIES. THE BOARD MAY

1 PRIORITY THE INSTALLATION OF THE SOLAR HOT WATER DEVICES AMONG THE VARIOUS
2 STATE PARKS, BUT THE DEVICES SHALL BE INSTALLED AT THOSE STATE PARKS THAT
3 HAVE SHOWER FACILITIES ON OR BEFORE DECEMBER 31, 2019. UNTIL ALL ELIGIBLE
4 STATE PARKS HAVE SOLAR HOT WATER DEVICES INSTALLED, THE BOARD MAY CHARGE A
5 USER FEE TO COVER THE COST OF INSTALLING AND MAINTAINING THE DEVICES.

6 6. Erect suitable signs and markers at parks and monuments and write,
7 prepare and publish written material describing the historical significance
8 of monuments and other places of historical or other significance.

9 7. Solicit and work in cooperation with the department of
10 transportation and the highway departments of various counties and the United
11 States federal highway administration for necessary roads and trails within
12 the state parks and monuments and access roads to state parks and
13 monuments. For the purposes of this paragraph, the board may designate
14 roads, spurs and other traffic related appurtenances within state park
15 boundaries as public highways. Designation of roads, spurs or other traffic
16 related appurtenances as public highways shall not prohibit the board from
17 closing such public highways when the park is closed, charging for admission
18 to the park to persons using the public highway within the park or otherwise
19 managing such public highways in the same manner as other lands within the
20 park.

21 8. Levy and collect reasonable fees or other charges for the use of
22 such privileges and conveniences as may be provided under the jurisdiction of
23 the board. The board may enter into agreements for the purpose of accepting
24 payment for fees or other charges imposed pursuant to this article by
25 alternative payment methods, including credit cards, charge cards, debit
26 cards and electronic funds transfers. The collecting officer shall deduct
27 any fee charged or withheld by a company providing the alternative payment
28 method under an agreement with the board before the revenues are transferred
29 to the board.

30 9. Make reasonable rules for the protection of, and maintain and keep
31 the peace in, state parks and monuments. Such rules adopted by the parks
32 board are subject to review and approval by the legislature. After a board
33 rule has been finally adopted pursuant to chapter 6 of this title, the board
34 shall immediately forward a certified copy of the rule to the legislature.
35 The legislature may review and, by concurrent resolution, approve, disapprove
36 or modify such rule. However, such rule shall be given full force and effect
37 pending legislative review. If no concurrent resolution is passed by the
38 legislature with respect to the rule within one year following receipt of a
39 certified copy of the rule, the rule shall be deemed to have been approved by
40 the legislature. If the legislature disapproves a rule or a section of a
41 rule, the board shall immediately discontinue the use of any procedure,
42 action or proceeding authorized or required by the rule or section of the
43 rule. If the legislature modifies a rule or section of a rule, the board
44 shall immediately suspend the use of any procedure, action or proceeding
45 authorized or required by the rule or section of the rule until the modified

1 rule has been adopted in accordance with chapter 6 of this title, after which
2 all proceedings pursuant to the rule shall be conducted in accordance with
3 the modified version of the rule.

4 10. Furnish advisory services to city and county park or recreation
5 boards and organizations.

6 11. Delegate to the director, the deputy director or the director's
7 designee any of its powers and duties, whether ministerial or discretionary,
8 which are prescribed by law, except that the board may not delegate its power
9 or duty to make rules.

10 12. Reimburse board volunteers for travel and lodging expenses and per
11 diem subsistence allowances incurred while on public business for the
12 board. Reimbursement amounts shall not exceed those allowed under title 38,
13 chapter 4, article 2.

14 13. In consultation with the conservation acquisition board, develop a
15 grant program and adopt guidelines for allocating and obligating monies in
16 the land conservation fund pursuant to section 41-511.23. The guidelines
17 shall include consideration of both qualification issues relating to
18 applicants for grants and issues relating to the proposed use of the grant
19 money in a manner consistent with existing municipal, county and regional
20 land use plans.

21 Sec. 2. Requirements for enactment; two-thirds vote

22 Pursuant to article IX, section 22, Constitution of Arizona, this act
23 is effective only on the affirmative vote of at least two-thirds of the
24 members of each house of the legislature and is effective immediately on the
25 signature of the governor or, if the governor vetoes this act, on the
26 subsequent affirmative vote of at least three-fourths of the members of each
27 house of the legislature.